

Attorney's Docket No.: 10559-861001 / P17309

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APR 10 2006

Applicant : Tim Pinkerton, et al. Art Unit : 1756
Serial No. : 10/688,851 Examiner : Stephen D. Rosasco
Filed : October 17, 2003
Title : MANUFACTURABLE CHROMELESS ALTERNATING PHASE SHIFT MASK
STRUCTURE WITH PHASE GRATING

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF WEN-HAO CHENG UNDER 37 C.F.R. § 1.131

I, Wen-Hao Cheng, currently residing at 43528 Laurel Glen Common, Fremont, CA 94539, do hereby declare as follows:

1. I am a co-inventor, along with Tim Pinkerton, of the invention claimed in the above-identified patent application.
2. Prior to September 2, 2003, Tim Pinkerton and I invented the subject matter of the claims of this patent application while being employees of Intel Corporation, currently having a place of business at 2200 Mission College Blvd., Santa Clara, CA 95052. At least as early as September 2, 2003, we conceived of and proceeded to diligently reduce to practice the invention claimed in the above-referenced patent application.
3. This is evidenced by a written invention disclosure, which was the basis of the above-referenced patent application, and which we prepared for submission to patent counsel at least as early as September 2, 2003. The invention disclosure contents describe the invention, and a redacted copy of the invention disclosure is included along with this declaration. The

CERTIFICATE OF TRANSMISSION BY FACSIMILE

I hereby certify that this correspondence is being transmitted by facsimile to the Patent and Trademark Office on the date indicated below.

April 10, 2006
Date of Transmission

Veronica Whalen
Signature

Veronica Whalen
Typed or Printed Name of Person Signing Certificate

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Page : 2 of 2

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invention disclosure form itself is considered confidential to Intel Corporation, and each date on the form supports statement 2 above.

4. Moreover, after conception, and prior to September 2, 2003, we worked diligently with patent attorneys who were members of Fish & Richardson P.C. to prepare a patent application that described the conceived invention. After this diligent preparation work, the above-referenced application was filed on October 17, 2003.

5. The U.S. Patent Pub. No. 2004/0131950 cited by the U.S. Patent and Trademark Office is issued from the U.S. Application 10/653,357 filed on September 2, 2003 claiming priority from German App. No. 102 40 403.8 filed September 2, 2002. Therefore, the evidence and statement of facts described in this declaration provides a prima facie showing that the invention date of our claimed invention was at least prior to the filing date of the U.S. Patent Pub. No. 2004/0131950.

6. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

S

Date: 4/6/2006
Wen-Hao Cheng

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DECLARATION OF TIM PINKERTON UNDER 37 C.F.R. § 1.131

I, Tim Pinkerton, currently residing at 2868 Aragon Way, Santa Jose, CA 95125, do hereby declare as follows:

1. I am a co-inventor, along with Wen-Hao Cheng, of the invention claimed in the above-identified patent application.
2. Prior to September 2, 2003, Wen-Hao Cheng and I invented the subject matter of the claims of this patent application while being employees of Intel Corporation, currently having a place of business at 2200 Mission College Blvd., Santa Clara, CA 95052. At least as early as September 2, 2003, we conceived of and proceeded to diligently reduce to practice the invention claimed in the above-referenced patent application.
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